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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,200	01/16/2002	William M. Carra	019843.0216	8666
7590		12/03/2003	EXAMINER	
Barton E. Showalter, Esq.		ROSENBERGER, RICHARD A		
Baker Botts L.L.P.		ART UNIT		
Suite 600		PAPER NUMBER		
2001 Ross Avenue		2877		
Dallas, TX 75201-2980		DATE MAILED: 12/03/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,200

Applicant(s)

CARRA ET AL.

Examiner

Richard A Rosenberger

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0102.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2877

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaez-Iravani et al (US 6,201,601) and Judge (US 5,098,187).

Vaez-Iravani et al shows an apparatus (see in particular figure 2a of that reference) with an electromagnetic energy system operable to generate a first beam (72) that is near normal to a surface plane (76a) and a second beam (86) at an angle that is near grazing to the surface plane. There is means to collect the light (78) and direct it to a single detector (80); this combining of light from a wide angular range into a single point of light is functionally an "integrating" function. There is a processor coupled to the detector to evaluate the signals to a reflective characteristic of the surface.

Vaez-Iravani et al separately directs the beams onto the surface and separately detects them, although with different arrangements than herein claimed and disclosed; see column 6, lines 23-61. It is known to direct beams from a single light source separately; see the chopper arrangement 30 of Judge, which sequentially allows light to pass along one path (94, 96), blocks the light (see figure 4 of Judge), reflects the light along a different path (96a), and then blocks the light

again. Those of ordinary skill could easily adapt this known arrangement to direct beams alternately to the surface in an arrangement such as is shown by Vaez-Iravani et al because it is a known manner of switching beams, and provides, as taught by Judge, the advantage of providing a dark reference signal to improve the accuracy of the measurements.

Judge also shows that it is known in that art to collect the light from the surface over a wide angular range using an integrating sphere; it would have been obvious to use an integrating sphere in this known manner for its known purpose to achieve the same known purpose in an arrangement such as shown by Vaez-Iravani et al.

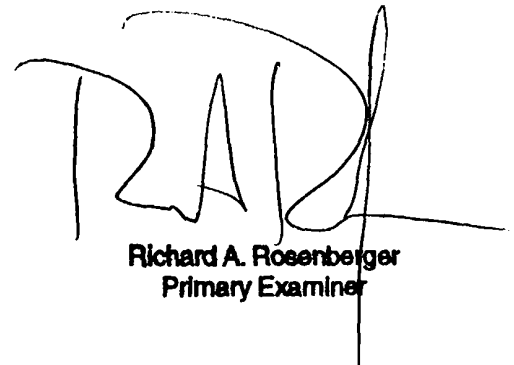
Using known mirrors and electronics as appropriate for the application would have been obvious.

3. Papers related to this application may be submitted to Group 2800 by facsimile transmission. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The fax number is (703) 872-9306

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. A. Rosenberger whose telephone number is (703) 308-4804.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

R. A. Rosenberger
19 November 2003



Richard A. Rosenberger
Primary Examiner